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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 399/2016 & CrI.M.A.8899/2016

SHYAM LAL & ORS Petitioners

Through: Mr.Yashvir Sethi, Adv.

versus

STATE & ORS Respondents

Through: Mr.Raghuvinder Verma, APP with SI
Mahendra, P.S.Adarsh Nagar.
Mr.Mohit Gupta, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **21.08.2018**

1. Petitioner is aggrieved by order dated 27.02.2016 passed by the Revisional Court whereby the Revisional Court has set aside the order dated 02.05.2014 of the Trial Court rejecting the application filed by the respondent under Section 311 of the Cr.P.C.

2. By the impugned order the Revisional Court allowed the application of the respondent/complainant and permitted the respondent/complainant to place on record additional documents and to recall and re-examine PW-8, the complainant.

3. Learned counsel for the petitioner submits in so far as the records of the civil proceedings are concerned, he has no objection to the same being produced and proved as that he has already filed an appeal against the said judgment which is pending. He submits that he has an objection with regard to production of Goods Receipts (Bilty), Bill (Challann) and declaration. He submits that the same do not pertain to the petitioner, however, without prejudice to the rights and contentions, however for expeditious disposal of the proceedings, it is agreed that respondent be permitted to produce the

additional documents without prejudice to the rights and contentions of the parties and subject to payment of total cost of Rs.10,000/- including the costs imposed by the impugned order.

4. Learned counsel for the petitioner seeks leave to withdraw the petition, reserving his liberty to raise the objection with regard to the mode of proof as well as the admissibility of the said documents to be determined by the Trial Court at the time when the same are tendered in evidence and/or considered by the Trial Court at the stage of arguments.

5. In view of the above, the petition is dismissed as withdrawn. The respondent shall pay cost of Rs.10,000/- to the petitioner within two weeks. It is clarified that this Court has neither considered nor expressed any opinion on the admissibility or the relevance of the said documents which is left open to be considered by the Trial Court in accordance with law.

6. Keeping in view the fact that the proceedings have been pending for the last 28 years, the Trial Court is directed to expedite the trial and to conclude the same preferably within a period of six months from today.

7. List before the Court for fixing the schedule for expeditious disposal on 05.09.2018.

8. Petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

AUGUST 21, 2018

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